

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE LICENSE OF	:	Administrative Action
	:	
	:	
	:	
ANGELA MARTINEZ, L.P.N.	:	
License # 26NP 07029100	:	FINAL ORDER
	:	WITHDRAWING
	:	PROVISIONAL ORDER
TO PRACTICE NURSING IN THE	:	OF DISCIPLINE
STATE OF NEW JERSEY	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Angela Martinez ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.

2. On or about September 29, 2014, a letter of inquiry was sent to Respondent by certified and regular mail on behalf of the Board, asking about her termination from Preferred Home health Care in Mount Laurel, New Jersey in January of 2014. The letter was sent to Respondent's address in Mount Holly which she

had provided to the Board. The certified mailing was returned, unclaimed. The regular mailing was not returned. No response was received.

3. On or about December 17, 2014, a second notice of the same letter of inquiry was sent to Respondent at her address in Mount Holly by certified and regular mail. Both the certified and regular mailings were returned as "unable to forward, not deliverable as addressed." No response was received.

CONCLUSIONS OF LAW

Respondent's failure to respond to a Board inquiry and/or failure to notify the Board of any change of address constitutes a failure to cooperate within the intendment of N.J.A.C. 13:45C-1.2, -1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension and a five hundred dollar (\$500) civil penalty was entered on March 19, 2015. Copies were mailed to Respondent via regular and certified mail to the Mount Holly address that Respondent had provided to the Board. The mailings were returned by the postal service as "unable to forward, not deliverable as addressed."

Board records reveal that Respondent changed her address on March 30, 2015. The Provisional Order was re-sent, via regular and certified mail to the new address that Respondent had

provided to the Board. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing a full response to the Board's original letter of inquiry. She maintained that when she was initially licensed in September 2011, she had provided the Board with two addresses: a P.O. Box in Mount Holly as her mailing address, and a street address in Beverly as her address of record. She stopped using the P.O. Box in October 2013. When she did not receive notification from the Board to renew her license before the expiration date of May 31, 2015, she contacted the Board on March 30, 2015 and changed her mailing address to be the same as her address of record, the Beverly address which had not changed and which the Board had in its records. Respondent maintains that the Board was aware of Beverly address that she had previously provided and she assumed that the Board would be able to reach her.

Nurses are required to notify the Board in writing of any change of address within 30 days following the change of address pursuant to N.J.A.C. 13:37-5.7. Respondent failed to notify the Board in writing of the change of her mailing address when she stopped using the P.O. Box in or around October 2013.

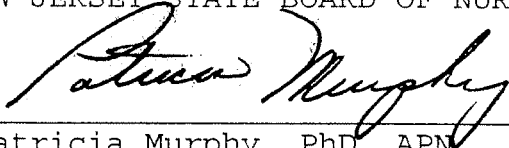
The Board reviewed Respondent's submissions and determined that further proceedings were not necessary. The Board was persuaded that the submitted materials merited withdrawal of the Provisional Order of Discipline. Although Respondent failed to update her mailing address, it was reasonable for her to assume that the Board would be able to reach her at the address of record which she had previously provided and which was still valid.

ACCORDINGLY, IT IS on this 14th day of December, 2015,
ORDERED that:

1. The Provisional Order of Discipline filed on March 19, 2015 is hereby withdraw in its entirety.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Murphy, PhD, APN
Board President